

1 GOVERNMENT OF THE DISTRICT OF COLUMBIA
2 ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
3 ALCOHOLIC BEVERAGE CONTROL BOARD

5 - - - - - - - - - - - - - - X

6	IN THE MATTER OF:	:
7	Hanks on the Hill, LLC,	:
8	t/a Hanks Oyster Bar	: Protest
9	633 Pennsylvania Ave., SE	: Hearing (Status)
10	License #ABRA-89718	:
11	Retailer Class CR	:
12	ANC-6B	:
13	Application to Renew the	:
14	License	:

16 Wednesday, September 07, 2016

18 Whereupon, the above-referenced matter
19 came on for hearing at the Alcoholic Beverage
20 Control Board, Reeves Center, 2000 14th Street,
21 N.W., Suite 400S, Washington, D.C. 20009.

1 CHAIRPERSON:

2 DONOVAN ANDERSON, Presiding

3

4 BOARD MEMBERS:

5 RUTHANNE MILLER

6 MICHAEL SILVERSTEIN

7 JAMES SHORT

8

9 ALSO PRESENT:

10

11 ANDREW KLEIN,

12 On behalf of Hanks Oyster Bar

13 DIANE HOSKINS,

14 On behalf of ANC-6B

15

16

17

18

19

20

21

22

1 P R O C E E D I N G S

2 [9:55 a.m.]

3 MR. DONOVAN W. ANDERSON: All right. Our
4 next case on our protest hearing status calendar
5 is Case #16-PRO-00045, Hanks Oyster Bar, License
6 #89718. Will the parties please approach and
7 identify themselves for the record, please?

8 MR. ANDREW KLEIN: Good morning, Andrew
9 Klein on behalf of the applicant.

10 MR. DONOVAN W. ANDERSON: Good morning,
11 again, Mr. Klein.

12 MS. DIANE HOSKINS: Good morning, Diane
13 Hoskins, representing ANC-6B.

14 MR. DONOVAN W. ANDERSON: Good morning.
15 All right.

16 (Off-mic speaking)

17 MR. DONOVAN W. ANDERSON: I'm sorry, Ms.

18 --

19 (Off-mic speaking)

20 MR. DONOVAN W. ANDERSON: No, Miss. This
21 is Case #16-PRO-00045, Hanks Oyster Bar, License
22 #89718.

1 All right. Before we start, I know that
2 there has not been mediation in this case. At the
3 end of these proceedings, um, uh, if you want,
4 you can -- Ms. Fletcher -- I don't see her in the
5 room, but we'll make sure that Ms. -- We'll have
6 Ms. Fletcher, who's -- who will be here so she
7 can schedule a mediation for the parties if that
8 -- if you need that. Okay?

9 MR. ANDREW KLEIN: Uh, Ms. Hoskins and I
10 actually spoke, um, briefly before coming up
11 here, and we agree that a sit-down might be --
12 might be useful, but I think that we could
13 probably coordinate it ourselves in the
14 neighborhood. Is that right?

15 MS. DIANE HOSKINS: We're open to what,
16 uh -- the approach that pleases the Board.

17 MR. DONOVAN W. ANDERSON: The other -- I
18 was told that you guys haven't had mediation, it
19 hadn't been scheduled, so I'm offering it to the
20 parties. If you want to take advantage of it, you
21 can, but since I know that we have not -- We have
22 not had a formal mediation session, so I'm

1 letting you know that --

2 MS. DIANE HOSKINS: Thank you.

3 MR. DONOVAN W. ANDERSON: -- so you can
4 do that. If you -- if the parties doesn't believe
5 that that's necessary, it cannot be stated that
6 Chairman Anderson did not make that available to
7 them to participate. Okay?

8 MR. ANDREW KLEIN: All right.

9 MS. DIANE HOSKINS: I -- I think it does
10 make sense to proceed with a formal mediation
11 given that's the regular order.

12 MR. ANDREW KLEIN: All right. That's
13 fine.

14 MR. DONOVAN W. ANDERSON: All right. This
15 matter is scheduled for a protest hearing on
16 October 19th at 1:30 p.m.

17 MR. ANDREW KLEIN: All right.

18 MR. DONOVAN W. ANDERSON: And, um, I'm --
19 I'm -- again, I'm going to go through the
20 protest, um, proceedings. You need me to go
21 through the -- the proceedings that I just read
22 for the first case, or do you understand the

1 process?

2 MS. DIANE HOSKINS: I do. Um, I have a
3 question --

4 MR. DONOVAN W. ANDERSON: Yes, ma'am.

5 MS. DIANE HOSKINS: -- um, with respect
6 to other motions that have been filed with
7 respect to the protest.

8 MR. DONOVAN W. ANDERSON: Okay, go ahead.

9 MS. DIANE HOSKINS: Is this an
10 appropriate venue to discuss the -- the motions
11 that have been filed prior to this?

12 MR. DONOVAN W. ANDERSON: I mean, go
13 ahead. I'm not sure what the issue --

14 MS. DIANE HOSKINS: Okay.

15 MR. DONOVAN W. ANDERSON: -- is, so go
16 ahead.

17 MS. DIANE HOSKINS: So, um, I really
18 appreciate the opportunity and -- and the time
19 the Board is taking. Um, I'm a -- this is my
20 second year. I'm -- I'm almost at the end of my
21 2-year term, and this is the first time I'm
22 appearing, uh, before the ABC Board. It's

1 something, um -- I have a number of
2 establishments in my -- in my single member
3 district, and so, um, reaching this stage is not,
4 um, something I prefer to do and in fact have
5 never done this before, so I, um, again,
6 appreciate that.

7 Um, our goal in this is to resolve the --
8 is to resolve four key issues. They are: loud,
9 disruptive cooking ventilation noise and odors,
10 flooding, um, rat activity, and public space
11 violations.

12 MR. DONOVAN W. ANDERSON: Uh, I -- I --
13 I'm -- I don't want to discuss the merits of the
14 case, so -- I -- I thought you were --

15 MS. DIANE HOSKINS: Okay.

16 MR. DONOVAN W. ANDERSON: -- just asking
17 some procedural issues, so I mean, if it's -- if
18 you have some procedural errors or questions you
19 want to ask, that's what we discuss but -- but
20 not the merits of the case.

21 MS. DIANE HOSKINS: But not -- I
22 understand. Um, my goal is to find a path

1 forward, and so I want to make sure that we do
2 that in the -- in the --

3 MR. DONOVAN W. ANDERSON: Right. And so,
4 that's one of the reasons why having a formal
5 mediation -- having the mediation -- That's one
6 of the reasons why I mentioned this. I know that
7 you have not had that process, and so by having
8 it scheduled, then -- As you have stated, you
9 have -- in your 2-year tenure, you have never
10 gone this first --

11 MS. DIANE HOSKINS: Sure.

12 MR. DONOVAN W. ANDERSON: -- so maybe if
13 you have gone to mediation -- if you go to
14 mediation, maybe I won't have the pleasure of
15 seeing you.

16 (Laughter)

17 MS. DIANE HOSKINS: The -- the -- the
18 main difference in this -- in this case is that,
19 um, the applicant has --

20 MR. DONOVAN W. ANDERSON: I -- I -- I --

21 MS. DIANE HOSKINS: -- deferred to the --

22 MR. DONOVAN W. ANDERSON: I --

1 MS. DIANE HOSKINS: -- to counsel and --

2 MR. DONOVAN W. ANDERSON: I -- I can't --

3 MS. DIANE HOSKINS: -- not given us an
4 opportunity to reach any, uh --

5 MR. DONOVAN W. ANDERSON: I -- I --

6 MS. DIANE HOSKINS: -- have any dialogue.

7 MR. DONOVAN W. ANDERSON: I can't discuss
8 that. So, what I will state is that this matter
9 is scheduled for a protest hearing on -- And you
10 know what? Let me go through the process --

11 MS. DIANE HOSKINS: Okay. I appreciate
12 that.

13 MR. DONOVAN W. ANDERSON: -- since this
14 is your first one. All right.

15 Now, the purpose of the protest hearing
16 is -- is, um -- is to address all of the issues
17 that are being protested. The Board does not
18 intend to hear testimony on matters that are not
19 relevant to this case.

20 You should have received by electronic or
21 regular mail a letter explaining the protest
22 process, a copy of the protest information form,

1 and a copy of the exhibit form. If you have -- if
2 you do not have these documents, please contact
3 our Assistant General Counsel Ms. April Randall
4 following this hearing. It is imperative that you
5 review the rules closely and adhere to them
6 before and during the protest hearing.

7 You're also required to complete and
8 submit the protest information form -- PIF -- and
9 the exhibit form 7 days before the date of the
10 hearing. These two forms and accompanying
11 documents need to be submitted to ABRA's legal
12 division and to all opposing parties in this
13 matter.

14 If we do not receive a copy of your PIF,
15 your application or your protest -- whichever
16 side you are representing -- may be subject to
17 dismissal. Likewise, if we do not receive a copy
18 of the Exhibit Form and the exhibits themselves,
19 your exhibits may be excluded from the record
20 upon a finding that the opposing party has been
21 prejudiced or no good cause for the failure to
22 submit has been shown. Likewise, witnesses other

1 than a party may also be subject to -- to
2 exclusion if not identified on the PIF.

3 Accordingly, these forms are very
4 important. They greatly assist the Board in
5 narrowing the protest issues, facilitating the
6 process, and keeping the parties on point during
7 the hearing. They likewise provide notice to
8 opposing parties, enabling them to better prepare
9 for the hearing.

10 As I stated before, um, it appears that
11 the parties have not met. Um, I -- I still don't
12 see Ms. Fletcher, but we'll make sure that --
13 that you can, prior to leaving this room, you can
14 sit with Ms. Fletcher and schedule a date for
15 mediation, and that's a formalized process where
16 the parties can -- can talk and maybe come to an
17 agreement. If not, we'll have a hearing on
18 October 19th at 1:30.

19 And if you have any questions, please
20 call Ms. Randall, our assistant general counsel,
21 about the process. Her phone number is 202-442-
22 4353. So, any -- any -- any questions you have

1 about the process, you can talk to Ms. Randall.
2 Okay? All right. Thank you. And in the sense of
3 filing motions or procedural issues in -- in --
4 in the interim, you can talk to her about that.
5 Okay? All right. Thank you.

6 MR. ANDREW KLEIN: Thank you.

7 MR. DONOVAN W. ANDERSON: All right.

8 MR. ANDREW KLEIN: Mr. Chair, I only have
9 one other matter, which is the first one.

10 MR. DONOVAN W. ANDERSON: I -- I -- I'm
11 aware of that. Thank you.

12 MR. ANDREW KLEIN: Okay. All right.

13 MR. DONOVAN W. ANDERSON: All right. All
14 right.

15 FEMALE SPEAKER: Is this matter
16 concluded?

17 MR. DONOVAN W. ANDERSON: Yes. Yes. I'm
18 sorry.

19 FEMALE SPEAKER: Okay. Thank you.

20 MR. DONOVAN W. ANDERSON: I apologize.

21 (Whereupon, the above-entitled matter was
22 concluded.)